

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ROBERT LEON ROBERTS-BEY	§	
v.	§	CIVIL ACTION NO. 9:11cv62
BRAD LIVINGSTON, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Robert Leon Roberts-Bey, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Magistrate Judge ordered Roberts-Bey to pay an initial partial filing fee of \$57.08, pursuant to 28 U.S.C. §1915(b). To date, Roberts has failed to comply with this order. On September 22, 2011, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed for failure to prosecute or to obey an order of the Court.

Roberts-Bey did not file objections to the Report as such. On March 5, 2012, he filed a motion which he styled as a "Motion for denial of access to court." In this motion, Roberts-Bey says that he has been denied access to his legal materials and to legal visits with other inmates. He makes no mention of the filing fee or of his failure to pay said fee, which was the subject of the Magistrate Judge's Report. To the extent that this motion may be construed as objections to the Report, such objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, the Report of the Magistrate Judge, and the Plaintiff's motion regarding denial of access to court. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct and that to the extent that the Plaintiff's motion may be construed as objections to this Report, such objections are without merit. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 15) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. It is further

ORDERED that the statute of limitations on the claims raised in this lawsuit is hereby SUSPENDED for a period of sixty days following the date of entry of final judgment in this case. The suspension of the statute of limitations will not affect any claims which were already barred by the operation of that statute at the time that this lawsuit was filed; such claims would remain barred regardless of any suspension of the limitations period. Finally, it is

ORDERED that any and all motions which may be pending in this action, specifically including but not limited to the Plaintiff's "motion for denial of access to court," are hereby DENIED.

So **ORDERED** and **SIGNED** this **16** day of **April, 2012**.



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Ron Clark, United States District Judge